

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Broadcast Localism)	MM Docket No. 04-233
)	

To: The Commission

Reply Comments of National Public Radio, Inc.

Introduction

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, National Public Radio, Inc. ("NPR") hereby submits its Reply Comments in response to the Commission's Notice of Inquiry in the above-captioned proceeding.¹

I. No New Regulation Is Necessary To Assure Localism in Public Radio Because Public Radio is Inherently Local and Continues to Demonstrate A Deep Commitment to Local Service

In our initial Comments, NPR described and demonstrated public radio's inherent localism.² Public radio comprises a system of locally licensed, locally owned and governed, locally staffed, and locally programmed stations. Public radio stations, in turn, are subject to a combination of institutional and social forces, including community advisory boards, public

¹ In the Matter of Broadcast Localism, MM Docket 04-233, rel. July 1, 2004 [hereinafter "NOI"]. Unless otherwise indicated, all Comments cited herein are initial Comments filed in response to the NOI.

² Comments of National Public Radio, Inc. at 2-7 (filed Nov. 1, 2004) [hereinafter "NPR Comments"].

governing board members, open public meetings, and a but-for dependence on financial support from local listeners. The combination of these forces and public radio's local roots continues to yield extensive local news, public affairs, and political programming, support for local arts, culture and non-profit organizations, online and other non-broadcast initiatives, and services specifically targeted to underserved audiences, including the print-impaired and minority listeners. For this reason, there is no basis for imposing new regulatory requirements on public radio stations in the interest of promoting broadcast localism.

While several of the initial commenters urged the Commission to develop new public interest obligations, these commenters focused specifically on commercial broadcast stations.³ The Future of Music Coalition, for instance, urged the Commission to address alleged payola practices and to pursue greater diversity of commercial broadcasting,⁴ while at the same time observing that "the challenges seen throughout commercial radio only serve to illustrate the enormous importance of non-commercial radio for the music community."⁵ Indeed, a large coalition of consumer and public interest organizations advocated the denial of commercial station license renewals in appropriate cases and the reallocation of denied licenses and spectrum generally to nonprofit, community based organizations for noncommercial use.⁶

³ See, e.g., Comments of the American Federation of Television and Radio Artists and the American Federation of Musicians at 6-9 & 13-14 (filed Nov. 1, 2004).

⁴ Comments of the Future of Music Coalition at 3-4 (filed Nov. 1, 2004).

⁵ Id. at 4.

⁶ Comments Of The Brennan Center For Justice, Consumer Federation Of America, Action Coalition For Media Education, Alliance For A Media Literate America, American Council On Consumer Awareness, Association Of Independent Video & Filmmakers, Chicago Consumer Coalition, Columbia Consumer Education Council, Consumer Action, Consumer Assistance Council, Consumer Federation Of The Southeast, Consumers For Auto Reliability And Safety,

Other commenters disputed the need for or wisdom of imposing new regulatory obligations to address the perceived deficiencies of commercial broadcasting. The Radio-Television News Directors Association ("RTNDA"), which has an interest in both the quality and quantity of news and public affairs programming,⁷ contended that local news and public affairs programming have flourished as a result of the Commission's deregulatory policies.⁸ RTNDA also noted that the determination of how much news to provide and what news to cover is the core journalistic function of a broadcaster, and a Commission effort to regulate broadcast journalism is Constitutionally suspect and likely to prove counterproductive.⁹ We agree with this assessment.

In any event, the deregulatory course the Commission charted 20 years ago was and remains the correct one particularly for public radio given its inherently local character. Accordingly, we submit there is no justification for imposing new regulatory requirements, at least in the case of public radio stations, in the interest of broadcast localism.

II. The Commission Should Not Alter the Status of Translators and LPFM Stations

The Consumers Voice, Democratic Process Center, The Downtown Community Television Center, Florida Consumers Action Network, Free Press, Harlem Consumer Education Council, Harlem Live, Independent Press Association, Listen Up!, Massachusetts Consumers Coalition, Media Alliance, Media Empowerment Project Of The Office Of Communication, Inc. UCC, New America Foundation, North Carolina Consumers Council, Inc., Privacy Clearinghouse, Texas Consumer Association Truce, USA Action, Utility Consumers' Action Network, and The Virginia Citizens Consumer Council at 35 (filed Nov. 1, 2004).

⁷ RTNDA represents local and network news executives in broadcasting, cable and other electronic media in more than 30 countries and is "commit[ed] to encouraging excellence in the electronic journalism industry." <http://www.rtna.org/about/rtna.shtml>.

⁸ Comments of The Radio-Television News Directors Association at 2-4 (filed Nov. 1, 2004).

⁹ Id. at 8-9.

In our initial Comments, we also urged the Commission not to alter the careful balance that it recently struck between translator and low power FM ("LPFM") stations.¹⁰ Public radio translator stations perform an important service, typically extending a service to a neighboring community in response to demonstrated local demand for the service.¹¹ Such stations are often constructed with Federal and state public funding, as well as private contributions from the community of the prospective translator service.¹² Public radio stations often localize their services by ascertaining and addressing issues of particular interest to communities served by their translator stations, and the translators often provide the only public radio signal in the community.¹³ We appreciate the importance of LPFM (and full power) origination services, but the Commission only recently arrived at the current balance between the translator and LPFM services, and there is no compelling reason to revisit the matter.

Among the many comments filed in response to the NOI, only a few even addressed the issue of whether to revisit the balance between translator and LPFM services. Of those, REC Networks offered detailed comments proposing to rewrite the rules governing the LPFM and translator services so as to favor the former over the latter.¹⁴ REC Networks also proposed

¹⁰ NPR Comments at 25-33.

¹¹ Id. at 25-26.

¹² Id. at 26-27. Although we have learned that one of the examples we cited of state public funding involved funding of full power rather than translator stations, see NPR Comments at 27 (Wyoming Public Radio), a community in Montana has recently initiated a fundraising campaign to raise \$5000 of the \$10,000 cost to extend Yellowstone Public Radio from Billings to Wolf Point, Montana. Across the Big Sky, Great Falls Tribune, Nov. 17, 2004, reprinted at <http://www.greatfallstribune.com/apps/pbcs.dll/article?AID=2004411170313>.

¹³ NPR Comments at 27-28.

¹⁴ Comments of REC Networks at 8-18 (filed Nov. 1, 2004) [hereinafter "REC Networks Comments"].

revising the Commission's allotment rules, establishing new classes of AM and FM service, reallocating spectrum to the LPFM service, and other measures to promote localism.¹⁵ Some of these proposals, such as eliminating the intermediate frequency, or "IF," protection,¹⁶ are likely to increase interference to the reception of FM service.¹⁷ Others would require the allocation of substantial Commission resources to implement.¹⁸

While we oppose sacrificing the translator service in the interest of promoting the LPFM service, we agree that abusive speculation in translator applications disserves the public interest and should be the sole focus of any Commission reexamination of the translator rules. The mere fact that thousands of translator applications were filed in the last filing window is not, itself, noteworthy. After all, the Commission had frozen the process of applying for translator and full power NCE stations for the better part of a decade.¹⁹ That two organizations filed more than 5,000 translator applications between them does call into question whether the applied-for stations would be used by the applicants to further broadcast localism.²⁰

That said, we continue to believe that the Commission should approach with caution any

¹⁵ Id. at 19-28.

¹⁶ Id. at 10.

¹⁷ See In the Matter of Creation of Low Power Radio Service, 15 FCC Rcd 2205, at 2207 (2000) (retaining, inter alia, the intermediate frequency protections to avoid compromising existing service and to maintain the integrity of the FM band).

¹⁸ For instance, the reallocation of the television channel 6 spectrum to sound broadcasting, REC Networks Comments at 27, which NPR has previously favored, would nonetheless entail the displacement and relocation of numerous incumbent television broadcast stations.

¹⁹ See NPR Comments at 30.

²⁰ See REC Network Comments at 7.

categorical solution to addressing speculation in broadcast spectrum.²¹ A blanket limit on the use of satellite or other technology or the permissible distance between a given translator station and the primary station it retransmits may prevent a non-local translator service in some cases, but such limits are also likely to undermine public radio services that are highly valued in their communities.²² Accordingly, the Commission should solicit public comment on any specific change to the translator rules that it may be contemplating so that potentially affected parties can identify and bring to the Commission's attention problematic aspects of the proposed change.

²¹ NPR Comments at 31-33.

²² In the case of the proposed Wolf Point, MT translator, cited above, the translator would extend the service of Yellowstone Public Radio more than 200 miles from Billings to Wolf Point. See note ¹², supra. Compare Comments of Collegiate Broadcasters, Incorporated at 11-12 (filed Nov. 1, 2004) (describing satellite-fed translators as "nothing more than an informal network of money making machines").

Conclusion

For the reasons set forth above and in NPR's initial comments, NPR believes that no new regulatory initiatives are warranted to promote localism in public radio broadcasting and that the Commission should refrain from revisiting its carefully struck balance between translator and LPFM stations.

Respectfully Submitted,

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